fited as in the principal case. *Hoertz* v. *Jefferson Southern Pond Drainage Co.*, 119 Ky. 824, 84 S. W. 1141. That the estoppel does not preclude the raising of the question of jurisdiction, see *Edmonds Land Co.* v. *City of Edmonds* (Wash. 1911), 119 Pac. 192, noted on p. 338 *ante*.

WILLS—REMAINDER—DISCLAIMER OF LIFE ESTATE—ACCELERATION.—Testator devised freehold estates to the use of his son J. for life, with remainder to his sons successively in tail male, with remainder to his grandson, Walter, for life, with remainders over. J. was married but there was no prospect of any issue and he disclaimed the life estate. *Held*, that Walter's estate for life in remainder was not accelerated, but that the rents and profits of the disclaimed estate during the life of J., so long as he had no son, formed part of the residuary estate of the testator. *In re Sir Walter Scott. Scott* v. *Scott* (1911), 2 Ch. D. 374.

The effect of J.'s renunciation of his life estate would at the common law have accelerated the remainders over. Late cases consider this rule to be supported by testator's intention, for it is presumed that he would wish the estate over to take effect upon any event removing the prior estate. ROOD, WILLS, § 576. *Blatchford* v. *Newberry*, 99 Ill. 11, and so a gift to X while single, with gift over on his death, was held to pass the estate to the remainderman immediately on X's marriage. *Bruch's Estate*, 185 Pa. St. 194, 39 Atl. 813. A contingent remainder such as that to the sons of J. successively, J. having none, required a particular estate to support it, 1 FEARNE, CONTINGENT REMAINDERS, Ed. 10, p. 281, for the fee could not by the common law be held in abeyance. Thus prior to the Contingent Remainders Act, 1877, the disclaimer by J. would have destroyed the contingent remainder. *Chudleigh's Case*, 1 Coke 120. *Faber* v. *Police*, 10 S. C. 376. This act, being passed to preserve contingent remainders, otherwise valid, from destruction by failure of the particular prior estate, had the same effect in the court's opinion as the appointment of trustees to preserve contingent remainders. Trustees, if they had been appointed, would have held the estate during J.'s life for the benefit of a possible future son, although there was no probability of one being born. (See *Carrick* v. *Errington*, 2 P. Wms. 361. *Hopkins* v. *Hopkins*, 1 Atk. 597.) The effect of the statute to preserve the contingent remainders was in like manner to prevent the coming into enjoyment and possession of Walter's vested remainder, for as the decision states it is "impossible that there could be an estate in remainder which might afterwards come to an end so as to let in an estate previously limited." The law of real property does not recognize the defeasance or interruption in enjoyment of a vested remainder to allow of the vesting in possession of a previously destroyed contingent remainder. 2 WASHBURN, REAL PROPERTY, Ed. 4, 543.